

JUL 7 2011

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July 7, 2011

Honorable Ricardo Lara, Chair
Joint Legislative Audit Committee
Room 2179, State Capitol
Sacramento, California 95814

Dear Chair Lara:

As you are likely aware, for several weeks, my staff has been engaged in an ongoing effort to address the Los Angeles County Board of Supervisors' (the county) position regarding my office's right of access to certain reports that assess the circumstances surrounding the deaths of children in the county's child welfare system. The county asserts that these reports are subject to the attorney work product/attorney client privilege. My office's longstanding interpretation of the plain language of our governing statutes has been that my staff has the same right of access possessed by any officer or employee of the auditee, but the county disputes that interpretation. After undertaking every effort to resolve the matter informally, I issued subpoenas for the documents in question, because access to those records is essential to the ability of my office to conduct the child protective services audit that the Joint Legislative Audit Committee (committee) approved at its February 16, 2011 hearing. The county is resisting the subpoena and has retained the law firm of Pollack, Vida and Fisher to represent it in this matter.

On June 29, 2011, you received a letter via email from Daniel Barer, the attorney representing the county in its efforts to resist the subpoenas. Unfortunately, Mr. Barer's letter is filled with mischaracterizations and inaccuracies about the legal effect of our statutes and our efforts to gain access to records that we have determined are necessary. As you can see from my Chief Counsel's July 5, 2011 response to Mr. Barer, my legal staff has made repeated and concerted efforts to explain our right of access and to obtain the records. Although we have been seeking access to these documents since mid-May, to date, the county has refused to produce them.

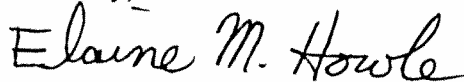
In view of the continued delays, unless Los Angeles County provides my staff access to the necessary documents by July 7th at 5 p.m. as the subpoena directs, I will have no option but to suspend audit work related to Los Angeles County. My office will, however, continue the audit work related to the other three counties and will issue a timely report regarding those

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counties. Later in the summer, my office will resume work in Los Angeles County and prepare a report that focuses exclusively on the county's child protective services program. I intend to reissue subpoenas to the county and plan to issue a separate report that should be published in late fall. I will continue to update you on our progress.

I regret having to divide the audit this way, but given the delays created by the county's unwillingness to provide the requested documents, I see no other alternative. If you have any questions or would like to review any of the other communications between my office and the county regarding this issue, please do not hesitate to call me.

Sincerely,



ELAINE M. HOWLE, CPA
State Auditor

cc: Honorable Darrell Steinberg, Senate President pro Tem
Honorable Robert Dutton, Senate Minority Leader and Vice Chair,
Joint Legislative Audit Committee
Honorable John A. Perez, Assembly Speaker
Honorable Connie Conway, Assembly Minority Floor Leader
Honorable Luis A. Alejo, Member, Joint Legislative Audit Committee
Honorable Elaine Kontominas Alquist, Member, Joint Legislative Audit Committee
Honorable Joel Anderson, Member, Joint Legislative Audit Committee
Honorable Kevin De Leon, Member, Joint Legislative Audit Committee
Honorable Tim Donnelly, Member, Joint Legislative Audit Committee
Honorable Alyson Huber, Member, Joint Legislative Audit Committee
Honorable Doug La Malfa, Member, Joint Legislative Audit Committee
Honorable William W. Monning, Member, Joint Legislative Audit Committee
Honorable Chris Norby, Member, Joint Legislative Audit Committee
Honorable Michael Rubio, Member, Joint Legislative Audit Committee
Honorable Cameron Smyth, Member, Joint Legislative Audit Committee
Honorable Lois Wolk, Member, Joint Legislative Audit Committee
Honorable Henry Perea, Assemblymember, 31st District